

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

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|-----------------------|-------------------------------------|------------|-------------------------|
| ADMINISTRATIVE MATTER | <input type="checkbox"/> | DATE | <u>January 06, 2010</u> |
| MOTOR CARRIER MATTER | <input type="checkbox"/> | DOCKET NO. | <u>2009-311-C</u> |
| UTILITIES MATTER | <input checked="" type="checkbox"/> | ORDER NO. | <u>2010-10</u> |

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2009-311-C - Genesis Telecommunications, LLC, Complainant/Petitioner v. United Telephone of the Carolinas d/b/a CenturyLink (f/k/a Embarq), Defendant/Respondent – Discuss with the Commission a Request for an Extension of Time to Prefile Testimony until January 11, 2010, Filed by Genesis Telecommunications, LLC.

COMMISSION ACTION:

The direct testimony of Genesis Telecommunications, LLC was due on December 29, 2009. On December 31, 2009, the Commission received a one-sentence request from Genesis for an Extension of Time, until January 11, 2010, to file its direct testimony. No reason for the requested extension of time was given, thereby failing to meet the Commission's standard for consideration of such requests, namely, that "extensions of time may be granted by the Commission for good cause shown" Pursuant to Commission Reg. 103-831. The direct testimony of the defendant and all other parties is due on January 12, 2010. On January 5, 2010, the defendant filed a letter in opposition to Genesis' request for an Extension of Time in which the defendant argues that granting such extension of time would be prejudicial. Given that this complaint includes a billing dispute in which the balance is increasing monthly, a timely hearing in this docket is critical to both the complainant and the defendant. As this complaint was filed in July 2009 and a hearing is scheduled for February 4, 2010, a rescheduling of this hearing is not in the interest of either the complainant or the defendant. Therefore, I move to deny Genesis' request for an Extension of Time to file direct testimony and to proceed with the hearing as scheduled on February 4, 2010. Genesis does still have the opportunity to provide rebuttal testimony by January 19, 2010. Also, since Genesis, a corporate entity, does not have legal representation as required by Commission Reg. 103-804 (T) and the laws of this state, I move that Genesis' notify the Commission no later than January 19, 2009 of its selection of South Carolina counsel, or face possible dismissal of its claims in this docket.

PRESIDING: FlemingSESSION: RegularTIME: 2:30 p.m.

| | MOTION | YES | NO | OTHER |
|-----------|-------------------------------------|-------------------------------------|--------------------------|-------|
| FLEMING | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HAMILTON | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| HOWARD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| MITCHELL | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WHITFIELD | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| WRIGHT | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |

(SEAL)

RECORDED BY: J. Schmieding

